

Amendments to the Drawings:

Applicants are submitting herewith new informal drawing figures 5-7. Upon acceptance by the Examiner, Applicants will submit formal drawings to replace these informal drawing figures.

REMARKS

Claims presented for prosecution in this Application are claims 1, 4-9, 11, 13-16, 18 and 19-24, claims 3, 10, 12, 17 and 19 being canceled by the present amendment. Claims 1, 3-16, 18 and 22-24 have been rejected over cited prior art, while claims 17 and 19-21 have been objected to as containing allowable subject matter, but depending from a rejected base claim. In view of Applicants' remarks below, Applicants respectfully submit that claims 1, 4-9, 11, 13-16, 18 and 19-24 are now in condition for allowance. Accordingly, Applicants respectfully request that the present Response be considered and entered, the rejections to the claims be withdrawn, and that the case now be passed to issue.

Objections to the Drawings

The outstanding Office Action has objected to the drawings as not showing every feature of the claimed invention. In response, Applicants have the following comments:

- 1) With respect to the illustration of the claimed "damping element" (former claim 3; newly added to claim 1), Applicants note that beginning on page 5 of the specification, the 'damping element' is called out as numeral "22". Further, Applicants note that drawing figures 1-3 (and figure 4 via numeral 18) illustrate element 22.

Moreover, Applicants have hereby submitted new drawing figures 5-7 in which the hollow damping element recited in the claims and discussed in the specification as originally filed, is shown. Applicants further submit that drawings figures 5-7 merely illustrate that which was discussed in the specification as originally filed, and therefore do not constitute new matter;

- 2) With respect to the illustration of the claimed "flexible body" (recited in claim 8), Applicants note element '54', as illustrated in drawing figure 4;

- 3) With respect to the illustration of the claimed "rubber part" (recited in claim 10), and without conceding to the validity of the rejection, Applicants note that claim 10 has been canceled merely in an effort to advance prosecution;
- 4) With respect to the illustration of the claimed "contact surface" (recited in claim 11), Applicants note page 7, lines 8-14 of the specification which, as previously amended states, *"In a progressive adjustment that is also not illustrated in the figures 1 and 2, a contact surface such as 44/52, as shown in Figure 4 is arranged inside or outside the spring element 20 and displaced, wherein the spring contacts this contact surface due to its vibrational movement and the spring length 34 is limited."* (emphasis added);
- 5) With respect to the illustration of the claimed "two opposing spring elements" (recited in claim 12), and without conceding to the validity of the rejection, Applicants note that claim 12 has been canceled merely in an effort to advance prosecution;
- 6) With respect to the illustration of the claimed "hollow dampers" (former claim 17) Applicants note that claim 17 has been canceled. Moreover, as contained in amended claim 1, the term 'hollow' merely modifies the structure 'damping element', which itself is identified in drawing figures 1-4 (numeral 22, discussed previously) and new drawing figures 5-7; and
- 7) With respect to the illustration of the claimed "eccentric ring" (recited in claim 19), and without conceding to the validity of the rejection, Applicants note that claim 19 has been canceled merely in an effort to advance prosecution.

In light of the amendments and remarks above, Applicants assert that the objections to the drawings have been addressed. Withdrawal of the objections to the drawings is therefore respectfully requested.

Objections to the Claims

The outstanding Office Action has objected to the claims on a number of formalistic grounds. In response, Applicants have amended the claims in accordance with the Examiner's helpful comments. In particular, the claims have been amended to remove reference numerals, and to addresses clerical discrepancies.

In light of the amendments and remarks above, Applicants assert that the objections to the claims have been addressed. Withdrawal of the objections to the claims is therefore respectfully requested.

The 35 U.S.C. § 102(b) Rejection of Claims 1, 3-11, 13-16, 18, 22 and 24 over Taomo

The Examiner has rejected claims 1, 3-11, 13-16, 18, 22 and 24 as being anticipated by Taomo. Applicants traverses this rejection and respectfully assert that Taomo does not disclose or render obvious at least each and every element of, at least, newly amended independent claim 1.

Without conceding to the validity of the outstanding rejection, and merely in an attempt to advance prosecution, Applicants have amended claim 1 to include the recitations of previously-dependent claims 3 and 17. Given that Applicants have amended claim 1 in conformance with the Examiner's indication of claim 17 containing allowable subject matter, Applicants respectfully submit that newly amended claim 1 now clearly distinguishes over the cited prior art of record.

In view of the above, Applicants therefore respectfully request that the Examiner withdraw the existing rejection of claims 1, 3-11, 13-16, 18, 22 and 24 on this basis alone.

Applicant earnestly believes that claims 1, 3-11, 13-16, 18, 22 and 24 clearly define over the cited prior art, however, should the Examiner believe that there remains any outstanding issues, Applicants respectfully request that the Examiner contact Applicants' Representative so as to expedite resolution of these outstanding issues.

The 35 USC 103(a) Rejection of Claims 12 and 23 over Taomo

The Examiner has rejected claims 12 and 23 as being obvious over Taomo. Applicants respectfully assert that Taomo does not disclose, at least, each and every aspect of newly amended independent claim 1.

With respect to claims 12 and 23, Applicants assert that claims 12 and 23 are allowable for at least the reasons that claim 1 is allowable, as discussed previously. Applicants therefore respectfully request that the existing rejection to claims 12 and 23 now be withdrawn on this basis alone.

General Comments Concerning Responsiveness of Amendment

Applicants respectfully traverse the indication in the communication dated August 16, 2005 that Applicants' Preliminary Amendment, dated June 3, 2005, was not fully responsive to the prior Advisory Action.

The Office's Advisory Action, dated April 14, 2005, indicated that Applicant's Amendment After Final dated April 4, 2005 would not be entered. Thus, any proposed changes to the claims as contained in the April 4, 2005 Amendment After Final were never in fact made on the record.

Insofar as the objections noted in the Office's Advisory Action were directed towards claim amendments made in Applicants never-entered Amendment After Final, Applicants respectfully submit that any changes made to the claims in the previously-filed Preliminary Amendment were made 'for the first time' in that Amendment, and so cannot be said to be non-responsive to any previous requirements made in connection with a submission never entered by the Office.

Applicants therefore do not believe that the previously-filed Preliminary Amendment was non-responsive, as any comments made in the Advisory Action were made in connection with a Response that was never entered.

In the future, especially in connection with minor formalistic objections, Applicants would greatly appreciate if the Examiner could contact Applicants' Representative via the telephone or the like, in order to address these non-substantive issues. Indeed, as the claim changes made in the previously-filed Preliminary Amendment were being made for the first time on the record, Applicants respectfully suggest that any objections to the changes made therein be noted as part of the first substantive examination of these claim changes in the next Office Action.

The Examiner's future assistance in this regard would be most appreciated.

CONCLUSION

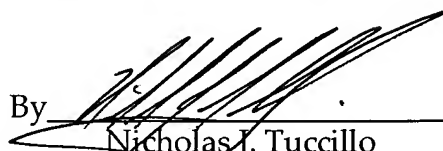
In view of the remarks above, it is respectfully submitted that claims 1, 4-9, 11, 13-16, 18 and 19-24 are allowable, and an early action to that effect is earnestly solicited.

The Examiner is invited to contact the undersigned at the number below to expedite resolution of any issues that the Examiner may consider to remain unresolved. In particular, should a Notice of Allowance not be forthcoming, the Examiner is requested to phone the undersigned for a telephonic interview, an Examiner's Amendment, or the like, while the outstanding issues are fresh in the mind of the Examiner.

It is believed that no fees or deficiencies in fees are owed. However, authorization is hereby given to charge our Deposit Account No. 13-0235 in the event any additional fees are owed.

Respectfully submitted,

By

A handwritten signature in black ink, appearing to read "Nicholas J. Tuccillo", is written over a horizontal line.

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